



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 3617-00
9 November 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 26 August 1965 at the age of 17. Your record reflects that you served for a year and two months without incident but on 1 November 1966 you received nonjudicial punishment (NJP) for disrespect, resisting arrest, and drunkenness. The punishment imposed was restriction for 30 days, extra duty for 20 days, and a \$60 forfeiture of pay. On 21 December 1966 you were convicted by summary court-martial (SCM) of attempting to leave your ship without proper authority, contempt, failure to obey a lawful order, resisting arrest, using reproachful words, communicating a threat, and breaking restriction. You were sentenced to confinement at hard labor for a month.

Your record further reflects that on 1 March and again on 3 May 1967 you received NJP for three incidents of failure to obey a lawful order and assault. On 24 July 1967 you were convicted by special court-martial (SPCM) of two incidents of failure to go to your appointed place of duty, a day of unauthorized absence (UA),

disobedience, and wrongful appropriation. You were sentenced to confinement at hard labor for six months, a \$384 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). However, the BCD was suspended.

On 17 May 1968 you received your fourth NJP for failure to go to your appointed place of duty and were awarded confinement on bread and water for three days and a \$25 forfeiture of pay. Shortly thereafter, on 16 July 1968, you were convicted by SPCM of disrespect, theft, and a four day period of UA. You were sentenced to confinement at hard labor for four months and a \$96 forfeiture of pay.

Subsequently, you were notified of pending administrative separation by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. At this time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. On 6 November 1968 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 18 November 1968 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in four NJPs and three court-martial convictions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director